IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

MARCHIONNI et al.	Art Unit : 1745
Serial No.: 10/028,310	Examiner: MERCADO, JULIAN A
Filed: December 28, 2001	Atty. Dkt. No.: 108910-00047

For: PERFLUOROPOLYETHER ADDITIVES FOR ELECTROCHEMICAL APPLICATIONS

DECLARATION UNDER 37 C.F.R. §1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Petitioner notes the Office Action of April 20, 2004 for the above-identified application, wherein U.S. Patent No. 6,403,539 B1 (Marchionni et al.) is cited as prior art against the claims of U.S. Patent Application Serial No. 10/028,310 under 35 U.S.C. §103(a).

Petitioner respectfully submits that U.S.Patent No. 6,403,539 B1 does not qualify as prior art under 35 U.S.C. §103(a) via 35 U.S.C. §102(e) against the invention defined by the present claims in U.S. Patent Application Serial No. 10/028,310 for the reasons that:

A) Petitoner, Solvay Solexis S.p.A., formerly Ausimont S.p.A., having its place of business at Via Turati, 12, Milan, ITALY, represents that it is the assignee and owner of all rights, title and interests in and to U.S. Patent Application Serial No. 10/028,310, filed December 28, 2001, for PERFLUOROPOLYETHER ADDITIVES FOR ELECTROCHEMICAL APPLICATIONS, by way of an Assignment recorded on December 28, 2001, at Reel 012412, Frames 0253-0254, and to U.S. Patent No. 6,403,539 B1, issued June 11, 2002 (filed as U.S. Patent Application No. 09/631,880 on Aug. 2, 2000).

B) At the time of invention, U.S. Patent No. 6,403,539 B1 and U.S. Patent Application Serial No. 10/028,310 were commonly owned by, or subject to an obligation of assignment, to Ausimont S.p.A. (now Solvay Solexis S.p.A.)

The undersigned on behalf of Petitioner, Solvay Solexis S.p.A., hereby states and declares that I have the authority to execute this Declaration on behalf of the Petitioner.

Respectfully submitted,

Solvay Solexis S.p.A

By: _____
(Bernard de Laguiche)

Title: __Managing Director__

Date: __June 29__, _____ 2004